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Paper 22
Filed: February 22, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MARK A. RYDELL
Junior Party
(Reissue Patent 36,795)¹

v.

CHARLES R. SLATER
Senior Party
(Application 09/177,502)²

Patent Interference No. 105,782
(Technology Center 3700)

Before: JAMESON LEE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Request for Adverse – Bd. R. 127(b)

¹ Based on Application 08/724,997, filed October 3, 1996, to reissue Patent 5,352,222, based on Application 08/213,671, filed March 15, 1994. The real party in interest is Gyrus Medical, Inc.

² Filed October 23, 1998. Accorded the benefit of Application 08/354,992, filed December 13, 1994. The real party in interest is Boston Scientific Miami Corporation.

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1 On February 11, 2011, junior party Rydell filed a paper titled “RYDELL
2 REQUEST FOR ADVERSE JUDGMENT” in which it is stated that Rydell
3 disclaims its claims 15-17 and that because Rydell has disclaimed its claims 15-17
4 it no longer has a claim involved in this interference. On that basis Rydell further
5 states that the Board should enter judgment against Rydell.

6 Claims 15-17 are all of Rydell’s claims corresponding to the count. Per
7 37 C.F.R. § 127(b)(2), such a disclaimer of all of a party’s claims corresponding to
8 the count constitutes a request for entry of adverse judgment.

9 The request is herein *granted*.

10 It is

11 ORDERED that judgment on priority as to Count 1 is entered against junior
12 party MARK A. RYDELL;

13 FURTHER ORDERED that involved claims 15-17 of junior party’s
14 Reissue Patent 36,795 are herein cancelled;

15 FURTHER ORDERED that the parties shall note the requirements of
16 35 U.S.C. §135(c) and Bd.R. 205; and

17 FURTHER ORDERED that a copy of this judgment shall be entered into
18 the file of Reissue Patent 36,795, and Application 09/177,502.

Interference No. 105,782

Rydell v. Slater

1 By Electronic Transmission:

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